

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

**In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
ARTIR HALILI) Docket No. 4426--SO
NPN #16430372)**

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-520)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby proposes to find facts and revoke the Kansas nonresident insurance agent's license of ARTIR HALILI ("Respondent") by Default Order as provided by K.S.A. 77-520.

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as a nonresident agent to transact the business of insurance in Kansas and has been so licensed since November 2, 2011.
2. KID records further indicate that Respondent's legal and mailing address is 9 W. Country Lane, Kansas City, MO 64114.
3. Following investigation, KID served a Summary Order pursuant to K.S.A. 77-537 to Respondent at his address of record, Respondent received the Summary Order, and timely requested a hearing as provided by K.S.A. 77-537 and the Summary Order.
4. Respondent was served with a Notice of Hearing setting a prehearing conference for Tuesday, the 15th day of May 2012, at 10:00 a.m. The notice further provided that Respondent could make prior arrangements to appear by telephone.
5. On May 3, 2012, counsel for KID served a prehearing questionnaire by mail addressed to Respondent at his address of record.
6. A blank prehearing questionnaire form was mailed to Respondent with his notice of hearing, and the form directions require that the form be completed and returned at least one week prior to the prehearing conference.
7. Respondent has not filed or served a prehearing questionnaire.

8. Respondent does not appear, either in person or by telephone, for the prehearing conference.

9. The Presiding Officer is the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547.

Applicable Law

10. If a party fails to participate in a prehearing conference, the presiding officer may serve upon all parties written notice of a proposed default order. K.S.A. 77-520(a). "Within seven (7) days after service of a proposed default order, the party against whom it was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon." K.S.A. 77-520(b). Unless a written motion is filed within the time allowed, the proposed default order will become effective at the expiration of the time allowed. K.S.A. 77-520(c). The proposed default order is effective upon service if not vacated. K.S.A. 77-520(d).

11. Pursuant to K.S.A. 77-526(a), the Presiding Officer, the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547, is empowered to render a Final Order.

Conclusions of Law

12. Respondent has been properly served notice of the allegations and proposed action and notice of the Prehearing Conference.

13. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

14. The Commissioner finds that Respondent has failed to appear for the prehearing conference and a proposed default order may and should be served.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the findings of fact and conclusions of law of the Summary Order served upon Respondent on the 23rd day of March 2012 are adopted as follows:

Findings of Fact

- 1) Respondent is licensed as a nonresident agent to transact the business of insurance in Kansas and has been so licensed since November 2, 2011.
- 2) Respondent's legal and mailing address is 9 W. Country Lane, Kansas City, MO 64114.
- 3) Respondent's agent appointment with New York Life was terminated for cause after a background check disclosed two criminal convictions.
- 4) In May 2009, Respondent was found guilty and granted a two-year Suspended Imposition of Sentence ("SIS") for receiving stolen property, a felony, in case number 0816-CR06485-01, Circuit Court of Jackson County, Missouri.
- 5) In July 2007, Respondent was convicted of misdemeanor theft in Independence, Missouri, Municipal Division case number 0112609.
- 6) Respondent was discharged from SIS probation in August 2010.
- 7) On or about November 2, 2011, Respondent submitted his Uniform Application for Individual Producer License ("Application") to KID.
- 8) Question 1 under Item 37 asks, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
- 9) Respondent answered, "No."

Applicable Law

- 10) K.S.A. 2010 Supp. 40-4909(a) provides, in relevant part:

"The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has: . . .

 - (1) Provided incorrect, misleading, incomplete or untrue information in the license application. . . .
 - (3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud. . . .
 - (6) Been convicted of a misdemeanor or felony. . . .
 - (8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere." K.S.A. 2010 Supp. 40-4909(a).
- 11) "In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or

the insurable interests of the public are not properly served under such license.” K.S.A. 2010 Supp. 40-4909(b).

Conclusions of Law

12) The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

13) The Commissioner finds that Respondent’s license may be revoked or suspended pursuant to K.S.A. 40-4909(a)(1) because Respondent falsely stated on his application that he had never been convicted of a crime or had a judgment withheld or deferred.

14) The Commissioner finds that Respondent’s license may be revoked or suspended pursuant to K.S.A. 40-4909(a)(6) because Respondent has been convicted of misdemeanor theft and found guilty of the felony of receiving stolen property.

15) Consequently, the Commissioner also finds that Respondent’s license may be revoked or suspended pursuant to K.S.A. 40-4909(a)(3) because Respondent obtained his license through misrepresentation or fraud.

16) Based on the foregoing findings, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent’s insurance agent’s license pursuant to K.S.A. 40-4909(a).

17) In addition, the Commissioner concludes that Respondent’s insurance agent’s license may be revoked pursuant to K.S.A. 40-4909(b) because it is not serving the interests of the insurer or the insurable interests of the public.

Policy to be Served

18) Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b). Further, the Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under the license. K.S.A. 49-4909(b). The following action is necessary and appropriate to promote the security and integrity of the insurance business and protect insurance consumers by licensing, or continuing to

license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of **ARTIR HALILI** is hereby **REVOKED**, and on and after the effective date of this order, **ARTIR HALILI** shall not engage in the sale, solicitation, or negotiation of insurance, do any act toward the sale, solicitation, or negotiation of insurance, and/or receive compensation deriving from the sale, solicitation, or negotiation of insurance conducted on and after the effective date of this order in Kansas or with respect to Kansas risks.

It is further ordered, pursuant to K.S.A. 77-415(b)(2)(A), that this order is designated by KID as precedent.

IT IS SO ORDERED THIS __16th__ DAY OF MAY 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Robert Tomlinson_____
Robert M. Tomlinson
Asst. Commissioner of Insurance
Presiding Officer

Certificate of Service

The undersigned hereby certifies that he/she served a true and correct copy of the above and foregoing **Proposed Default Order** on this __16th__ day of May 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Artir Halili
9 W. Country Lane
Kansas City, MO 64114

And by hand delivery to the following:

Brenda J. Clary
Staff Attorney
Kansas Insurance Department
420 SW 9th Street
Topeka, Kansas 66612

_s/ Jana L. Beethe _____
Jana L. Beethe
Legal Assistant